

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CERTIFICATION OF MEDIATION SESSION

Case No. 3:15-CV-254

Yellowstone Capital, LLC

Plaintiff(s),

vs.

United Spirit, Inc. d/b/a International  
Sports Center, ISC Gymnastics et al.

Defendant(s).

Instructions: This certificate shall be filed by the mediator or by the plaintiff, and served upon all parties upon completion of the ADR process unless otherwise ordered.

The undersigned mediator reports the following result of a Mediated Settlement Conference held on June 3, 2016.

The following individuals, parties, corporate representatives, and/or claims professionals attended and were available to participate in the session, and the appropriate individuals possessed the requisite settlement authority:

- ☐ All individual parties and their counsel.
- ☐ Designated corporate representatives.
- ☐ Required claims professionals.
- ☒ Other (describe):

The following individuals, parties, corporate representatives, and/or claims professionals failed to appear and/or failed to participate as ordered:

See attached Agreement and Record of Attendance

The outcome of the Mediation session was:

- ☒ The parties have reached an impasse.
- ☐ The case has completely settled. Counsel will promptly notify the Court of settlement by:
- ☐ The filing of a settlement agreement signed by the parties within ten (10) days of the filing of this report.
  - ☐ The filing of a stipulation of dismissal signed by the parties within ten (10) days of the filing of this report.
- ☐ The case has been partially resolved. Counsel will file a joint stipulation regarding those claims which have been resolved within ten (10) days of the filing of this report. The report shall also contain a brief summary of the remaining issues for the Court to resolve.

I certify that the above is a true and accurate report regarding the result of the Mediation Settlement Conference.

Raymond E. Owens, Jr.

Name of Mediator or Plaintiff's Counsel

*Raymond E. Owens, Jr.*

Signature of Mediator or Plaintiff's Counsel

June 7, 2016

Date

#### CERTIFICATE OF SERVICE

I hereby certify that I have this date served counsel for all parties with the Report of Mediation by sending a copy thereof to the following via email or conventional mail as noted:

Gabe Mendelberg, Esq. and Tricia Morvan Derr, Esq.

This the 7th day of June, 2016.

s/ Raymond E. Owens, Jr.

Mediator

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE  
Civil Action No.: 3:15-CV-254

YELLOWSTONE CAPITAL, LLC,

Plaintiff(s)

v.

UNITED SPIRIT, INC. d/b/a INTERNATIONAL  
SPORTS CENTER, ISC GYMNASTICS AND  
CHEERLEADING, LLC d/b/a  
INTERNATIONAL SPORTS CENTER,  
CHEERSPORT CORP., VARSITY SPIRIT, LLC  
JEFFREY L. FOLKES a/k/a JEFFREY L.  
FOWLKES, KEVIN T. BRUBAKER,  
JENNIFER BRUBAKER, JULIA E. O'BRIEN  
AND CHARLES D. NICHOLS,

Defendant(s)

AGREEMENT AND  
RECORD OF ATTENDANCE

This mediated settlement conference, by consent of the undersigned, is being held and governed by the Rules Governing Mediated Settlement Conferences in Superior Court Civil Actions promulgated by the Supreme Court pursuant to G.S. Section 7A-38. The Mediator's compensation is agreed to be at the hourly rate of \$325.00 per hour for time spent in furtherance of mediation and an administrative fee of \$95.00 per party. In consideration of mediation fees being invoiced after completion of the settlement conference, counsel agree to be responsible for payment of said invoices.

In attendance this the 3 day of June, 2016, are:

Name

Title or Position

GARY M. GARRISON  
BURTON D. BRILLHART  
JEFF FOWLKES

ATTY FOR VARSITY  
General Counsel for Varsity  
REPRESENTING MYSELF

JENNIFER BRUBAKER  
Kevin Brubaker  
Julie O'Brien

~~SCOTT HUDSON~~  
Gabriel mandelberg, Esq.  
Yellowstone  
YADIN SEREBRO, ESQ. - YELLOWSTONE IN-  
HOUSE COUNSEL  
ISC, cheerleader, Varsity Brubaker, O'Brien, House Counsel  
Local Counsel for Plaintiff